United Nations A/69/L.3

General Assembly

Distr.: Limited
24 September 2014

Original: English

Sixty-ninth session
Agenda item 66 (b)
Elimination of racism, racial discrimination, xenophobia and related intolerance: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Draft resolution submitted by the President of the General Assembly

Programme of activities for the implementation of the International Decade for People of African Descent

The General Assembly,

Recalling its resolution 68/237 of 23 December 2013, by which it proclaimed the International Decade for People of African Descent, commencing on 1 January 2015 and ending on 31 December 2024, with the theme "People of African descent: recognition, justice and development", to be officially launched immediately following the general debate of the sixty-ninth session of the General Assembly, and to this end emphasizing the opportunity for achieving important synergy in the combating of all the scourges of racism through the effective observance of the International Decade for People of African Descent, and in this regard contributing to the implementation of the Durban Declaration and Programme of Action,[1]

Recalling also its resolution 64/169 of 18 December 2009, by which it proclaimed 2011 as the International Year for People of African Descent, bearing in mind the primacy of building on the gains achieved during the implementation of the programme of activities for the International Year for People of African Descent and, to this end, recalling paragraph 61 of its resolution 66/144 of 19 December 2011, by which it encouraged the Working Group of Experts on People of African Descent to develop a programme of action, including a theme, for adoption by the Human Rights Council, with a view to proclaiming the International Decade for People of African Descent before the end of 2013,

Recalling further its resolution 52/111 of 12 December 1997, by which it decided to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and its resolutions 56/266 of 27 March 2002, 57/195 of 18 December 2002, 58/160 of 22 December 2003, 59/177 of 20 December 2004 and 60/144 of 16 December 2005, which guided the comprehensive follow-up

[1] See A/CONF.189/12 and Corr.1, chap. I.

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to the World Conference and the effective implementation of the Durban Declaration and Programme of Action,

Cognizant of its resolution 62/122 of 17 December 2007, by which it designated 25 March as the International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade,

Committed to upholding human dignity and equality for the victims of slavery, the slave trade and colonialism, in particular people of African descent in the African diaspora,

Welcoming the work undertaken by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action on the elaboration of a draft programme of activities for the implementation of the International Decade for People of African Descent,

Taking note of the report of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action on the elaboration of a draft programme of activities for the implementation of the International Decade for People of African Descent,[2]

1. *Adopts* the programme of activities for the implementation of the International Decade for People of African Descent annexed to the present resolution;

2. *Urges* States to ensure that activities and objectives for the Decade are planned and implemented in accordance with paragraph 10 of the programme of activities for the International Decade for People of African Descent on the basis of full consultation and collaboration with people of African descent;

3. *Decides* to appoint the United Nations High Commissioner for Human Rights to act as coordinator of the Decade in order to follow up on the implementation of activities in the framework of the Decade;

4. *Requests* States and encourages relevant human rights bodies, organs and mechanisms of the United Nations, specialized agencies, funds and programmes, international, regional, subregional and non-governmental organizations, including organizations of people of African descent, national human rights institutions and other stakeholders to develop and implement specific action-oriented activities in their areas of competence;

5. *Requests* the Secretary-General to submit annually a progress report on the implementation of the activities of the Decade;

6. *Also requests* the Secretary-General to allocate predictable funding from the regular budget of the United Nations for the effective implementation of the programme of activities for the Decade, and invites Member States and other donors to provide extrabudgetary resources for this purpose;

7. *Requests* the President of the General Assembly to convene a midterm review to take stock of the progress made and decide on further necessary actions before the seventy-fourth session of the Assembly;

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[2] A/HRC/26/55.

8. *Requests* the Secretary-General to convene a final assessment of the Decade to take place within the framework of a high-level international event, marking the closure of the International Decade for People of African Descent;

9. *Decides* to officially launch the International Decade for People of African Descent in accordance with General Assembly resolution 68/237 immediately following the general debate of the sixty-ninth session with the requisite global visibility and appropriate profiling, whose modalities shall be coordinated by the President of the General Assembly in consultation with Member States.

Annex

Programme of Activities for the Implementation of the International Decade for People of African Descent

I. Introduction

A. Background

1. The International Decade for People of African Descent, to be observed from 2015 to 2024, constitutes an auspicious period of history when the United Nations, Member States, civil society and all other relevant actors will join together with people of African descent and take effective measures for the implementation of the programme of activities in the spirit of recognition, justice and development. The programme of activities recognizes that the Durban Declaration and Programme of Action is a comprehensive United Nations framework and a solid foundation for combating racism, racial discrimination, xenophobia and related intolerance, and represents a new stage in the efforts of the United Nations and the international community to restore the rights and dignity of people of African descent.

2. The implementation of the programme of activities for the International Decade is an integral part of the full and effective implementation of the Durban Declaration and Programme of Action and in compliance with the International Convention on the Elimination of All Forms of Racial Discrimination as the principal international instruments for the elimination of racism, racial discrimination, xenophobia and related intolerance. Important synergies should therefore be achieved through the International Decade in the fight against racism, racial discrimination, xenophobia and related intolerance.

3. The Durban Declaration and Programme of Action acknowledged that people of African descent were victims of slavery, the slave trade and colonialism, and continue to be victims of their consequences. The Durban process raised the visibility of people of African descent and contributed to a substantive advancement in the promotion and protection of their rights as a result of concrete actions taken by States, the United Nations, other international and regional bodies and civil society.

4. Regrettably, despite the above-mentioned advances, racism and racial discrimination, both direct and indirect, de facto and de jure, continue to manifest themselves in inequality and disadvantage. People of African descent throughout the world, whether as descendants of the victims of the transatlantic slave trade or as more recent migrants, constitute some of the poorest and most marginalized groups. Studies and findings by international and national bodies demonstrate that people of African descent still have limited access to quality education, health services, housing and social security. In many cases, their situation remains largely invisible, and insufficient recognition and respect has been given to the efforts of people of

African descent to seek redress for their present condition. They all too often experience discrimination in their access to justice, and face alarmingly high rates of police violence, together with racial profiling. Furthermore, their degree of political participation is often low, both in voting and in occupying political positions.

5. People of African descent can suffer from multiple, aggravated or intersecting forms of discrimination based on other related grounds, such as age, sex, language, religion, political or other opinion, social origin, property, disability, birth or other status.

6. The promotion and protection of human rights of people of African descent should be a priority concern for the United Nations. In this regard, the International Decade for People of African Descent is a timely and important initiative, a unique opportunity to underline the important contribution made by people of African descent to our societies and to propose concrete measures to promote their full inclusion and to combat racism, racial discrimination, xenophobia and related intolerance.

B. Theme of the International Decade

7. As proclaimed by the General Assembly in its resolution 68/237, the theme for the International Decade is "People of African descent: recognition, justice and development".

C. Objectives of the International Decade

8. Non-discrimination and equality before and of the law constitute fundamental principles of international human rights law, and underpin the Universal Declaration of Human Rights and the main international human rights treaties and instruments. As such, the main objective of the International Decade should be to promote respect, protection and fulfilment of all human rights and fundamental freedoms by people of African descent, as recognized in the Universal Declaration of Human Rights. This main objective can be achieved through the full and effective implementation of the Durban Declaration and Programme of Action, the outcome document of the Durban Review Conference, the political declaration commemorating the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, and through the universal accession to or ratification of, and full implementation of the obligations arising under the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant international and regional human rights instruments.

9. The International Decade shall focus on the following specific objectives:

(a) To strengthen national, regional and international action and cooperation in relation to the full enjoyment of economic, social, cultural, civil and political rights by people of African descent, and their full and equal participation in all aspects of society;

(b) To promote a greater knowledge of and respect for the diverse heritage, culture and contribution of people of African descent to the development of societies;

(c) To adopt and strengthen national, regional and international legal frameworks in accordance with the Durban Declaration and Programme of Action

and the International Convention on the Elimination of All Forms of Racial Discrimination, and to ensure their full and effective implementation.

II. Activities to be conducted during the International Decade

A. National level

10. States should take concrete and practical steps through the adoption and effective implementation of national and international legal frameworks, policies and programmes to combat racism, racial discrimination, xenophobia and related intolerance faced by people of African descent, taking into account the particular situation of women, girls and young males, by, inter alia, the activities described below.

1. Recognition

(a) Right to equality and non-discrimination

11. States should:

(a) Remove all obstacles that prevent their equal enjoyment of all human rights, economic, social, cultural, civil and political, including the right to development;

(b) Promote the effective implementation of national and international legal frameworks;

(c) Withdraw reservations contrary to the object and purpose of the International Convention on the Elimination of All Forms of Racial Discrimination, and consider withdrawing other reservations;

(d) Undertake a comprehensive review of domestic legislation with a view to identifying and abolishing provisions that entail direct or indirect discrimination;

(e) Adopt or strengthen comprehensive anti-discrimination legislation and ensure its effective implementation;

(f) Provide effective protection for people of African descent, and review and repeal all laws that have a discriminatory effect on people of African descent facing multiple, aggravated or intersecting forms of discrimination;

(g) Adopt, strengthen and implement action-oriented policies, programmes and projects to combat racism, racial discrimination, xenophobia and related intolerance designed to ensure full and equal enjoyment of human rights and fundamental freedoms by people of African descent; States are also encouraged to elaborate national plans of action to promote diversity, equality, equity, social justice, equality of opportunity and the participation of all;

(h) Establish and/or strengthen national mechanisms or institutions with a view to formulating, monitoring and implementing policies to combat racism, racial discrimination, xenophobia and related intolerance, and promoting racial equality, with the participation of representatives of civil society;

(i) As appropriate, establish and/or strengthen independent national human rights institutions, in conformity with the Paris Principles, and/or similar mechanisms with the participation of civil society, and provide them with adequate financial resources, competence and capacity for protection, promotion and

monitoring to combat racism, racial discrimination, xenophobia and related intolerance.

(b) Education on equality and awareness-raising

12. States should:

(a) Celebrate the launch of the International Decade at the national level, and develop national programmes of action and activities for the full and effective implementation of the Decade;

(b) Organize national conferences and other events aimed at triggering an open debate and raising awareness on the fight against racism, racial discrimination, xenophobia and related intolerance, with the participation of all relevant stakeholders, including government, civil society representatives and individuals or groups of individuals who are victims;

(c) Promote greater knowledge and recognition of and respect for the culture, history and heritage of people of African descent, including through research and education, and promote full and accurate inclusion of the history and contribution of people of African descent in educational curricula;

(d) Promote the positive role that political leaders and political parties, leaders of religious communities and the media could further play in fighting racism, racial discrimination, xenophobia and related intolerance by, inter alia, publicly recognizing and respecting the culture, history and heritage of people of African descent;

(e) Raise awareness through information and education measures with a view to restoring the dignity of people of African descent, and consider making available the support for such activities to non-governmental organizations;

(f) Support education and training initiatives for non-governmental organizations and people of African descent in the use of the tools provided by international human rights instruments relating to racism, racial discrimination, xenophobia and related intolerance;

(g) Ensure that textbooks and other educational materials reflect historical facts accurately as they relate to past tragedies and atrocities, in particular slavery, the slave trade, the transatlantic slave trade and colonialism, so as to avoid stereotypes and the distortion or falsification of these historic facts, which may lead to racism, racial discrimination, xenophobia and related intolerance, including the role of respective countries therein, by:

(i) Supporting research and educational initiatives;

(ii) Giving recognition to the victims and their descendants through the establishment of memorial sites in countries that profited from and/or were responsible for slavery, the slave trade, the transatlantic slave trade and colonialism and past tragedies where there is none, as well as at departure, arrival and relocation points, and by protecting related cultural sites.

(c) Information-gathering

13. In accordance with paragraph 92 of the Durban Programme of Action, States should collect, compile, analyse, disseminate and publish reliable statistical data at

the national and local levels, and take all other related measures necessary to assess regularly the situation of people of African descent who are victims of racism, racial discrimination, xenophobia and related intolerance.

14. Such statistical data should be disaggregated in accordance with national legislation, upholding the right to privacy and the principle of self-identification.

15. The information should be collected to monitor the situation of people of African descent, assess progress made, increase their visibility and identify social gaps. It should also be used to assess and guide the formulation of policies and actions to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance.

(d) Participation and inclusion

16. States should adopt measures to enable the full, equal and effective participation of people of African descent in public and political affairs without discrimination, in accordance with international human rights law.

2. Justice

(a) Access to justice

17. States should take further measures, by:

(a) Introducing measures to ensure equality before the law, notably in the enjoyment of the right to equal treatment before the tribunals and all other organs administering justice;

(b) Designing, implementing and enforcing effective measures to eliminate the phenomenon popularly known as "racial profiling";

(c) Eliminating institutionalized stereotypes concerning people of African descent and applying appropriate sanctions against law enforcement officials who act on the basis of racial profiling;

(d) Ensuring that people of African descent have full access to effective protection and remedies through the competent national tribunals and other State institutions against any acts of racial discrimination, and the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination;

(e) Adopting effective and appropriate measures, including legal measures as appropriate, to combat all acts of racism, in particular the dissemination of ideas based on racial superiority or hatred, incitement to racial hatred, violence or incitement to racial violence, as well as racist propaganda activities and participation in racist organizations; States are also encouraged to ensure that such motivations are considered an aggravating factor for the purpose of sentencing;

(f) Facilitating access to justice for people of African descent who are victims of racism by providing the requisite legal information about their rights, and providing legal assistance when appropriate;

(g) Preventing and punishing all human rights violations affecting people of African descent, including violence, acts of torture, inhuman or degrading treatment, including those committed by State officials;

(h) Ensuring that people of African descent, like all other persons, enjoy all the guarantees of a fair trial and equality before the law as enshrined in relevant international human rights instruments, and specifically the right to the presumption of innocence, the right to assistance of counsel and to an interpreter, the right to an independent and impartial tribunal, guarantees of justice, and all the rights to which prisoners are entitled;

(i) Acknowledging and profoundly regretting the untold suffering and evils inflicted on millions of men, women and children as a result of slavery, the slave trade, the transatlantic slave trade, colonialism, apartheid, genocide and past tragedies, noting that some States have taken the initiative to apologize and have paid reparation, where appropriate, for grave and massive violations committed, and calling on those that have not yet expressed remorse or presented apologies to find some way to contribute to the restoration of the dignity of victims;

(j) Inviting the international community and its members to honour the memory of the victims of these tragedies with a view to closing those dark chapters in history and as a means of reconciliation and healing; further noting that some have taken the initiative of regretting or expressing remorse or presenting apologies, and calling on all those that have not yet contributed to restoring the dignity of the victims to find appropriate ways to do so and, to this end, appreciating those countries that have done so;

(k) Calling upon all States concerned to take appropriate and effective measures to halt and reverse the lasting consequences of those practices, bearing in mind their moral obligations.

(b) Special measures

18. The adoption of special measures, such as affirmative action, where appropriate, is essential to alleviating and remedying disparities in the enjoyment of human rights and fundamental freedoms affecting people of African descent, protecting them from discrimination and overcoming persistent or structural disparities and de facto inequalities resulting from historical circumstances. As such, States should develop or elaborate national plans of action to promote diversity, equality, social justice, equality of opportunity and the participation of all. By means of, inter alia, affirmative or positive actions and strategies, these plans should aim at creating conditions for all to participate effectively in decision-making and to realize civil, cultural, economic, political and social rights in all spheres of life on the basis of non-discrimination.

3. Development

(a) Right to development and measures against poverty

19. Consistent with the Declaration on the Right to Development, States should adopt measures aimed at guaranteeing active, free and meaningful participation by all individuals, including people of African descent, in development and decision-making related thereto and in the fair distribution of benefits resulting therefrom.

20. Recognizing that poverty is both a cause and a consequence of discrimination, States should, as appropriate, adopt or strengthen national programmes for eradicating poverty and reducing social exclusion that take account of the specific needs and experiences of people of African descent, and should also expand their

efforts to foster bilateral, regional and international cooperation in implementing those programmes.

21. States should implement actions to protect ancestral groups of people of African descent.

(b) Education

22. States should take all necessary measures to give effect to the right of people of African descent, particularly children and young people, to free primary education and access to all levels and forms of quality public education without discrimination. States should:

(a) Ensure that quality education is accessible and available in areas where communities of African descent live, particularly in rural and marginalized communities, with attention to improving the quality of public education;

(b) Take measures to ensure that public and private education systems do not discriminate against or exclude children of African descent, and that they are protected from direct or indirect discrimination, negative stereotyping, stigmatization and violence from peers or teachers; to this end, training and sensitization should be provided to teachers and measures should be taken to increase the number of teachers of African descent working in educational institutions.

(c) Employment

23. States should take concrete measures to eliminate racism, racial discrimination, xenophobia and related intolerance in the workplace against all workers, in particular people of African descent, including migrants, and ensure the full equality of all before the law, including labour law, and eliminate barriers, where appropriate, to participation in vocational training, collective bargaining, employment, contracts and trade union activity; access to judicial and administrative tribunals dealing with grievances; seeking employment in different parts of their country of residence; and working in safe and healthy conditions.

(d) Health

24. States should take measures to improve access to quality health services to people of African descent.

(e) Housing

25. Recognizing the poor and insecure housing conditions in which many people of African descent live, States should develop and implement policies and projects as appropriate aimed at, inter alia, ensuring that they gain and sustain a safe and secure home and community in which to live in peace and dignity.

4. Multiple or aggravated discrimination

26. States should adopt and implement policies and programmes that provide effective protection for, and review and repeal all policies and laws that could discriminate against, people of African descent facing multiple, aggravated or intersecting forms of discrimination based on other related grounds, such as sex,

language, religion, political or other opinion, social origin, property, birth, disability or other status.

27. States should mainstream a gender perspective when designing and monitoring public policies, taking into account the specific needs and realities of women and girls of African descent, including in the area of sexual and reproductive health and reproductive rights in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action and the outcome documents of their review conferences, and ensure adequate access to maternal health care.

B. Regional and international levels

1. Steps to be taken by the international community and international and regional organizations

28. The international community, international and regional organizations, in particular relevant United Nations programmes, funds, specialized agencies and other bodies, international financial and development institutions, and other international mechanisms within their areas of competence should give high priority to programmes and projects specifically tailored for combating racism and racial discrimination against people of African descent, taking fully into account the Durban Declaration and Programme of Action, the outcome document of the Durban Review Conference, the International Convention on the Elimination of All Forms of Racial Discrimination and the political declaration of the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, and, should, inter alia:

(a) Take measures to raise awareness about the International Decade, including through awareness-raising campaigns, and organizing and supporting other activities, bearing in mind the theme of the Decade;

(b) Continue to disseminate widely the Durban Declaration and Programme of Action, the outcome document of the Durban Review Conference and the political declaration of the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action;

(c) Continue to raise awareness about the International Convention on the Elimination of All Forms of Racial Discrimination;

(d) Assist States in the full and effective implementation of the obligations arising under the International Convention on the Elimination of All Forms of Racial Discrimination, and in ratifying or acceding to the Convention, with a view to attaining its universal ratification;

(e) Assist States in the full and effective implementation of their commitments under the Durban Declaration and Programme of Action;

(f) Incorporate human rights into development programmes, including in the areas of access to and enjoyment of the rights to education, employment, health, housing, land and labour;

(g) Assign particular priority to the projects devoted to the collection of statistical data;

(h) Support initiatives and projects aimed at honouring and preserving the historical memory of people of African descent;

(i) Use the Decade as an opportunity to engage with people of African descent on appropriate and effective measures to halt and reverse the lasting consequences of slavery, the slave trade and the transatlantic slave trade in captured African people and, to this end, ensure the participation of and consultation with non-governmental organizations, other stakeholders and civil society at large;

(j) In planning activities for the Decade, examine how existing programmes and resources might be utilized to benefit people of African descent more effectively;

(k) Give due consideration to the goals and objectives aimed at the elimination of racism, racial discrimination, xenophobia and related intolerance against people of African descent in the discussions held by the United Nations on the post-2015 development agenda.

2. Steps and measures to be taken by the General Assembly

29. The General Assembly should:

(a) Appoint the United Nations High Commissioner for Human Rights to act as coordinator of the Decade in order to follow up on the implementation of activities in the framework of the Decade;

(b) Request the Secretary-General to submit an annual progress report on the implementation of activities of the Decade, taking into account information and views provided by States, relevant human rights bodies, organs and mechanisms of the United Nations, specialized agencies, funds and programmes, international, regional, subregional and non-governmental organizations, including organizations of people of African descent, national human rights institutions and other stakeholders;

(c) Request the Department of Public Information, in collaboration with the United Nations Educational, Cultural and Scientific Organization, the Office of the United Nations High Commissioner for Human Rights and regional and subregional organizations to launch an awareness-raising campaign to inform the general public of the history, contributions, including to the global development, challenges, contemporary experiences and situation of human rights of people of African descent;

(d) Encourage the issuance of a stamp by the United Nations postal administration on the International Decade for People of African Descent;

(e) Invite regional and subregional organizations, specialized agencies, United Nations programmes, funds and offices to develop studies in their respective areas of competence and expertise, and to report on the themes of the Decade; such studies could be used to inform a midterm review of the Decade to monitor the progress made, share learning practices among key actors and inform plans and policies for the remaining five years of the Decade and beyond;

(f) Request the Office of the United Nations High Commissioner for Human Rights to continue and strengthen its fellowship programme for people of African descent during the Decade;

(g) Request the Office of the High Commissioner to include a section on the anti-discrimination database on the International Decade for People of African Descent;

(h) Request States to consider adopting measures to further promote and protect the human rights of people of African descent as enshrined in international human rights instruments, including through the elaboration of a draft United Nations declaration on the promotion and full respect of human rights of people of African descent;

(i) Decide to establish a forum to serve as a consultation mechanism, to be provided by one of the existing Durban follow-up mechanisms such as the Working Group of Experts on People of African Descent or the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, and in this regard requests the Human Rights Council to allocate two or three days of the annual sessions of one of these mechanisms that shall be devoted to this purpose and that would ensure the inclusive participation of all States Members of the United Nations, United Nations funds and programmes, specialized agencies, civil society organizations of people of African descent and all other relevant stakeholders;

(j) Request the United Nations High Commissioner for Human Rights to further increase and strengthen support for the relevant mechanisms of the Human Rights Council in combating racism, racial discrimination, xenophobia and related intolerance in the context of the Decade;

(k) Encourage all States, intergovernmental and non-governmental organizations, private institutions and individuals, as well as other donors in a position to do so, to contribute generously to the trust fund for the programme for the Decade for Action to Combat Racism and Racial Discrimination with a view to contributing to the successful implementation of the programme;

(l) Request the Secretary-General to accord high priority to executing the programme of activities for the Decade, and to allocate predictable funding from the regular budget and from extrabudgetary resources of the United Nations to the effective implementation of the programme of action and activities of the Decade;

(m) Keep the Decade under review, and convene a midterm review to take stock of the progress made and decide on further necessary actions;

(n) Convene a final assessment of the Decade, to be held within the framework of a high-level international event, marking the closure of the International Decade for People of African Descent;

(o) Ensure the completion of the construction and the inauguration, before the midterm review in 2020, of a permanent memorial at United Nations Headquarters to honour the memory of the victims of slavery and the transatlantic slave trade.